

REMARKS

This application has been reconsidered in light of the Office Action dated April 22, 2005. Applicant hereby requests further examination and reconsideration of the application.

For convenience in review the following corresponds to the claim rejections in the Office Action dated April 22, 2005.

Double Patenting

Claims 1, 2, 5-12, and 17 are rejected under the judicially created doctrine of obviousness-type double patenting over Claims 1-18 of U.S. Patent No. 6,686,569 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: the '569 claims recite substantially the same subject matter, including the hinge connector/support, and the arching lid is inherent.

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F. 2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claims 5, 6, 10, and 11 are rejected under the judicially created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 6,686,569. Although the conflicting claims are not identical, they are not patentably distinct from each other because the recited controlling means have long been conventional.

Claims 12 and 17 are rejected under the judicially created doctrine of obviousness-type double patenting over claims of U.S. Patent No. 6,509,550. Although the conflicting claims are not identical, they are not patentably distinct from each other because the instant claims merely broaden the scope of the '550 claims.

Accordingly, a terminal disclaimer in compliance with 37 CFR § 1.321(c) is being submitted herewith to overcome the non-statutory obviousness-type double patenting rejection of Claims 1, 2, 7-9, 12, and 17 in view of the fact that U.S. Patent Nos. 6,686,569 and 6,509,550 are commonly owned with the present application.

Allowable Subject Matter

Applicant acknowledges with appreciation that Claims 3, 4, 13-16, 18, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

It is applicant's understanding that the Examiner's objections to Claims 3, 4, 13-16, 18 and 19 are obviated by the attached terminal disclaimer pertaining to the rejection of the base Claims 1, 2, 7-9, 12, and 17 based on nonstatutory double patenting and that such objections are now overcome.

Thus, applicant submits that the application is now in full condition for allowance. Reconsideration and withdrawal of the Examiner's objections/rejections is requested. If any outstanding questions remain, a telephone call from the Examiner would be welcome.

Respectfully submitted,

Date: August 21, 2005

By



Clifford F. Rey
Attorney for Applicant
Registration No. 37,920

P.O. Box 127
54 Dover Road
Telephone: (802) 348-7156